United Nations A/64/175

General Assembly

Distr.: General
27 July 2009
English
Original: English/French/Arabic/
Russian

Sixty-fourth session
Item 71 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

Report of the Secretary-General

Summary

The present report is a compilation of the responses to the note verbale from the Secretary-General dated 24 April 2009, which was sent to Member States in compliance with resolution 62/165, inviting them to present practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity. Responses have been received from the Governments of Algeria, Brazil, Qatar, Serbia, the Syrian Arab Republic and Ukraine; they are reproduced in the report as received.

* A/64/150.

09-42586 (E) 110809 140809

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I. Introduction

1. In its resolution 62/165, the General Assembly requested the Secretary-General to invite Member States and intergovernmental and non-governmental organizations to present further practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity.

2. In compliance with paragraph 11 of the resolution, the Secretary-General, in a note verbale dated 24 April 2009, invited Member States to present practical proposals and ideas.

3. As at 5 July 2009, replies had been received from the Governments of Algeria, Brazil, Qatar, Serbia, the Syrian Arab Republic and Ukraine, which are reproduced below as received. Additional replies received, if any, will be issued as addenda to the present report.

II. Replies received from Governments

Algeria

[Original: French]
[2 July 2009]

Algeria has constantly sought to promote and protect all human rights without distinguishing between civil, political, social or cultural rights or the right to development.

To that end, our country has always maintained that the consideration of human rights matters should be carried out in full respect for the principles of objectivity, impartiality and non-selectivity, without which efforts to protect human rights are certainly undermined.

Motivated by those considerations, Algeria's actions in this field have taken the form of ratifying the principal international human rights treaties and of maintaining constant cooperation with international and regional human rights bodies.

I. The ratification of international human rights treaties

The fact that the Provisional Government of the Algerian Republic ratified the four Geneva Conventions during the national liberation war serves as testimony to Algeria's commitment to respect for human rights.

It should be remembered that article 132 of the Algerian Constitution recognizes that treaties ratified by Algeria take precedence over domestic legislation.

General instruments

International instruments

International Covenant on Economic, Social and Cultural Rights
Accession/ratification by Algeria on 16 May 1989
Official Gazette No. 20 of 17 May 1989

Regional instruments

African Charter on Human and Peoples' Rights
Accession/ratification by Algeria on 3 February 1987
Official Gazette No. 6 of 4 February 1987

Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights
Accession/ratification by Algeria on 3 March 2003
Official Gazette No. 15 of 5 March 2003

Protocol of the Court of Justice of the African Union
Accession/ratification by Algeria on 6 June 2007
Official Gazette No. 39 of 13 June 2007

Arab Charter on Human Rights
Accession/ratification by Algeria on 11 February 2006
Official Gazette No. 8 of 15 February 2006

Instruments relating to genocide, war crimes, crimes against humanity and torture

International instruments

Convention on the Prevention and Punishment of the Crime of Genocide
Accession/ratification by Algeria on 11 September 1963
Official Gazette No. 66 of 14 September 1963

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Accession/ratification by Algeria on 16 May 1989
Official Gazette No. 20 of 17 May 1989

Regional instruments

Convention for the Elimination of Mercenarism in Africa
Accession/ratification by Algeria on 6 June 2007
Official Gazette No. 39 of 13 June 2007

Instruments against discrimination

International instruments

International Convention on the Elimination of All Forms of Racial Discrimination
Accession/ratification by Algeria on 15 December 1966
Official Gazette No. 220 of 30 December 1966

International Convention on the Suppression and Punishment of the Crime of Apartheid
Accession/ratification by Algeria on 5 December 1981
Official Gazette No. 1 of 5 January 1982

UNESCO Convention against discrimination in education
Accession/ratification by Algeria on 14 October 1968
Official Gazette No. 87 of 29 October 1968

ILO Convention concerning discrimination in respect of employment and occupation (Convention No. 111)
Accession/ratification by Algeria on 22 May 1969
Official Gazette No. 49 of 6 June 1969

International Convention against Apartheid in Sports
Accession/ratification by Algeria on 3 May 1988
Official Gazette No. 18 of 4 May 1988

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
Accession/ratification by Algeria on 21 April 2005

Instruments on women and children

International instruments

International Convention on the Elimination of All Forms of Discrimination against Women
Accession/ratification by Algeria on 22 January 1996
Official Gazette No. 6 of 21 January 1996

International Convention on the Rights of the Child
Accession/ratification by Algeria on 12 December 1992
Official Gazette No. 91 of 23 December 1992

Convention on the Political Rights of Women
Accession/ratification by Algeria on 19 April 2004
Official Gazette No. 26 of 25 April 2004

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182), complemented by Recommendation 190, adopted by the General Conference of the International Labour Organization in 1999
Accession/ratification by Algeria on 28 November 2000
Official Gazette No. 73 of 3 December 2000

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
Accession/ratification by Algeria on 2 September 2006
Official Gazette No. 55 of 6 September 2006

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
Accession/ratification by Algeria on 2 September 2006
Official Gazette No. 55 of 6 September 2006

Regional instruments

African Charter on the Rights and Welfare of the Child
Accession/ratification by Algeria on 8 July 2003
Official Gazette No. 41 of 9 July 2003

Convention on the Establishment of the Arab Women's Organization
Accession/ratification by Algeria on 16 February 2003
Official Gazette No. 12 of 23 February 2003

Instruments dealing with humanitarian law and refugees

International instruments

Convention relating to the Status of Refugees
Accession/ratification by Algeria on 25 July 1963
Official Gazette No. 105 of 1963

Convention relating to the Status of Stateless Persons
Official Gazette No. 57 of 14 July 1964

Regional instruments

OAU Convention Governing the Specific Aspects of Refugee Problems in Africa
Accession/ratification by Algeria on 25 July 1973
Official Gazette No. 68 of 24 August 1973

Instruments dealing with slavery and trafficking in human beings

International instruments

Slavery Convention of 1926 as amended by the Protocol of 7 December 1953
Accession/ratification by Algeria on 11 September 1963
Official Gazette No. 66 of 14 September 1963

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
Accession/ratification by Algeria on 11 September 1963
Official Gazette No. 66 of 14 September 1963

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
Accession/ratification by Algeria on 11 September 1963
Official Gazette No. 66 of 14 September 1963

ILO Convention on the abolition of forced labour (Convention No. 105)
Accession/ratification by Algeria on 22 May 1969
Official Gazette No. 49 of 6 June 1969

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
Accession/ratification by Algeria on 9 September 2003

United Nations Convention against Transnational Organized Crime
Official Gazette No. 9 of 10 February 2002

Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime
Official Gazette No. 69 of 12 November 2003

Convention on the Rights of Persons with Disabilities
Official Gazette No. 33 of 31 May 2009

II. Promotion of the universality of human rights

The Human Rights Council, the treaty bodies and the Office of the High Commissioner for Human Rights are responsible for promoting the universality of human rights and ensuring equal treatment of all related topics.

Algeria considers that accession to international human rights instruments must not be selective; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, for example, has not been successfully implemented because it has not been ratified by the industrialized countries, which nevertheless claim to be committed to human rights.

For the record, the list of countries that have ratified this Convention includes primarily the countries of origin of migratory flows. None of the Western countries of destination have ratified the Convention, even though the majority of migrants live in Europe and North America.

On another topic, the right of peoples to self-determination, which is the cornerstone of all other rights, continues to be denied by the international community.

To this day, the Palestinian and Saharan peoples continue to claim, legitimately, this inalienable right.

The peoples of these regions, which are under foreign occupation, suffer repeated and documented violations of their human rights on a daily basis.

In this connection, the publication of the 2006 report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) Mission to Western Sahara and the Refugee Camps in Tindouf, in accordance with the principles of impartiality, objectivity and non-selectivity, would have enabled the international community to assess the gravity of the human rights violations in Western Sahara.

III. Ongoing cooperation with international and regional human rights institutions

In addition to its assessed and voluntary contributions to international organizations, which enable them to implement their mandates effectively, Algeria participates in the activities of a number of intergovernmental institutions.

International forums

Human Rights Council

Algeria was a founding member of the Human Rights Council, established after the Commission on Human Rights was dissolved as part of the reform of the United Nations.

Algeria hoped that this transition would make it possible to overcome the passivity of the former situation of politicization, selectivity and double standards in human rights. Algeria is convinced that it is through dialogue and cooperation that the situation of human rights in the world will progress. Algeria made sustained efforts during the negotiation phase to reach the broadest possible consensus for the establishment of the Human Rights Council.

With a view to its election to the Human Rights Council, Algeria took resolute action for the promotion and protection of human rights by advocating for equal treatment for all States and by promoting dialogue and coordination in achieving universal human rights objectives.

Algeria has played an active role in the Human Rights Council, including in its capacity as coordinator of the African Group. It has made a significant contribution to the institution-building of the Council, in particular through its initiative on the Code of Conduct for Special Procedures Mandate holders of the Human Rights Council (Human Rights Council resolution 5/2 and General Assembly resolution 62/219).

Universal Periodic Review: Algeria was part of the first group of countries to be reviewed under this mechanism, initiated by General Assembly resolution 60/251 and Human Rights Council resolution 5/10.

In its report, Algeria endeavoured to give as accurate a picture as possible of its achievements in the field of civil, political, economic, social and cultural human rights.

Following the review, the majority of the recommendations formulated individually by 17 States were accepted and approved by the Algerian Government, which will set about implementing them.

Office of the United Nations High Commissioner for Refugees: The relationship between Algeria and the Office of the United Nations High Commissioner for Refugees (UNHCR) dates back to the Algerian War of Independence. In fact, beginning in 1959, and pursuant to a General Assembly resolution, UNHCR began intervening on behalf of Algerian refugees who had found asylum in Morocco and Tunisia. Cooperation with UNHCR was further strengthened in the context of the provision of aid to Saharan refugees. For purposes of follow-up on Algeria-based operations, an agreement establishing a UNHCR delegation in Algeria was signed on 27 September 1984.

World Food Programme: Algeria and the World Food Programme have been working together since 1963, when the latter began delivering food aid to numerous persons displaced, either internally or externally, as a result of the War of Independence.

The Programme stepped up its activities in Algeria in 1986, at which time it signed an agreement with UNHCR to provide aid to Saharan refugees. The delivery of this aid is organized by means of letters of understanding between the Algerian Government and the Programme.

Regional forums

African Union: In addition to signing the African Union's human rights legal instruments, Algeria volunteered to be one of the first African countries to be

reviewed by the African Peer Review Mechanism, which inspired the establishment of a similar mechanism at the international level, namely the Universal Periodic Review.

Algeria submitted its consolidated third and fourth periodic report to the African Commission on Human and Peoples' Rights at its forty-second regular session, held in Brazzaville (Congo) from 14 to 28 November 2007. Mindful of the importance of promoting a fruitful and constructive dialogue with the Commission, the Algerian Government provided the necessary clarifications to questions posed by Commission members at the meeting in Ezulwini (Kingdom of Swaziland) in May 2008.

League of Arab States: Algeria is one of the nine Arab States to have ratified the Arab Charter on Human Rights; it participates regularly in the work of the Arab Commission for Human Rights.

In March 2008, Algeria hosted a meeting of the Arab National Human Rights Institutions on the topic "Human rights and development: the role of national human rights institutions".

Algeria is also contributing to the implementation of the strategic plan of the Arab League for the promotion and protection of human rights for the period 2008-2013, which aims, inter alia, at ensuring more effective implementation of the resolutions of the League of Arab States and a revitalization of its human rights mechanisms.

Brazil

[Original: English]
[29 June 2009]

The promotion of international cooperation in the field of human rights stems from the principle of human rights as one of the three pillars of the United Nations. In accordance to the purposes and principles contained in the Charter of the United Nations, including developing friendly relations among nations on the basis of respect for the principle of equal rights and self-determination, Member States must achieve international cooperation in the area of promoting and encouraging human rights.

That goal was also underscored in the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, which also affirm that priority must be given to actions aiming at promoting and protecting human rights.

In the United Nations Millennium Declaration, adopted by the General Assembly in its resolution 55/2, world leaders expressed their commitment to the Millennium Development Goals, in particular with respect to developing a global partnership for development. The World Summit Outcome, approved by the General Assembly in its resolution 60/1, further reaffirms the need for the United Nations to play a fundamental role in the promotion of international cooperation for development and the coherence, coordination and implementation of development goals and actions agreed upon by the international community.

In that context, the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights (OHCHR) were given a specific mandate to provide technical cooperation in the field of capacity-building in human rights. In the World Summit Outcome, world leaders resolved to strengthen OHCHR to enable it to effectively carry out its mandate to respond to the broad range of human rights challenges facing the international community, particularly in the areas of technical assistance and capacity-building.

The mandate given by the General Assembly to both the Council and the Office of the High Commissioner to provide cooperation is based, on the one hand, on our primary objective of offering an open and balanced forum for dialogue and, on the other, on the sovereignty of each State in deciding to request international cooperation.

After two and a half years, States Members of the United Nations have achieved resounding results in the institution-building process of the Human Rights Council, in particular relating to the implementation of its mechanisms, such as the universal periodic review, the special procedures, the Advisory Committee and the Social Forum. However, in spite of the progress achieved so far in the context of the institution-building process of the Council, we have not been able to develop its cooperation dimension in the same way.

Brazil firmly believes that cooperation can play a central role in the task of promoting and protecting human rights on the ground and eventually strengthening the Council and its mechanisms. Offering technical cooperation may represent a constructive approach to the implementation of recommendations under Human Rights Council mechanisms. By its resolution 60/251, the General Assembly mandated the Council to undertake a universal periodic review that shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs.

The existing mechanisms of the Human Rights Council allow for the identification of difficulties and challenges in the implementation of international human rights law. There is a need to offer assistance to Member States in the implementation of recommendations emanating from those mechanisms, so that the progress achieved so far in the context of Human Rights Council institution-building and the United Nations human rights system as a whole can be strengthened by a cooperation-based approach that allows Member States to overcome challenges in the area of human rights.

Member States must foster the exchange of experiences, the dissemination of good practices and multilateral cooperation on the basis of reciprocity of benefits. The promotion and protection of human rights should be based on the principles of cooperation and a genuine dialogue aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human rights, in accordance with General Assembly resolution 60/251, which established the Human Rights Council. It is important to ensure national ownership in this process. Any eventual technical cooperation would be carried out with due respect for the priorities of host countries.

Brazil reiterates the commitment of its Government and of OHCHR to promote South-South cooperation as a mechanism for implementing the

recommendations of human rights mechanisms, with a view to contributing to the enhancement of the capacities of Member States to duly comply with their international human rights obligations. Brazil is interested in establishing a triangular South-South cooperation mechanism with the Office of the High Commissioner aimed at assisting developing countries in the task of implementing the recommendations of the Human Rights Council.

Finally, existing regional organizations may also play an important role in fostering exchanges of information and experience among countries so as to promote and protect human rights.

Qatar

[Original: Arabic]
[22 June 2009]

National Human Rights Committee

Doha, Qatar

International cooperation in the field of human rights is undoubtedly one of the loftiest spheres in which countries cooperate. It embodies a value that aims to protect humanity itself, wherever there are people, without any kind of discrimination. It is an illustrious tool by means of which countries express their desire and determination to guarantee respect and protection for the rights of their nationals and those subject to their legal authority. It is indicative of a State recognition of those rights and freedoms with respect to the citizens and nationals of other countries that creates a global climate in which the values of peace, freedom, security and equality prevail and mankind advances towards growth and prosperity.

The international community has enjoyed increased expansion in various aspects of international relations and, in particular, in the field of human rights, since the Charter of the United Nations was signed: one of the main purposes of the United Nations, as affirmed in article 1 of the Charter, is to achieve international cooperation and strengthen respect for human rights for all without any type of discrimination. However, the fact that the majority of States wish to respect the purposes set forth in the aforementioned Charter and have become parties to and ratified numerous human rights instruments does not mean that international cooperation is invariably based on neutrality, objectivity and non-selectivity. Many international relationships are based on principles informed by sovereignty, equality and the balance between power and political and economic interests.

Study of the current international situation affirms that the issue of human rights is in some cases used for political purposes that are far removed from the noble humanitarian goals of those rights. Political and economic interests may be achieved either by using the issue of human rights as a pretext or by disregarding human rights violations, a policy that is a travesty of the bases and principles of human rights, the cornerstone of which is the absolute equality of all mankind. That policy has caused concern to United Nations human rights machinery which, in numerous resolutions, has referred to the need to employ objectivity and non-selectivity when dealing with the issue of human rights and suppress double standards and politicization.

By putting forward its views on and proposals for strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, the Committee is acting on its belief in the extreme importance of this matter, which necessitates measures that are commensurate with the value the international community attaches thereto. The Committee believes that such measures should be taken at three levels. The first should be at the United Nations level; the second at the level of international cooperation; and the third at the level of the human rights treaty bodies, along the lines set forth below:

First: at the United Nations level

Since the Charter of the United Nations was signed, that Organization has symbolized the values of peace, tolerance and the coexistence of peoples and respect for human rights for all without any kind of discrimination. It has been mankind's best achievement, representing international aspirations for cooperation aimed at protecting human rights. The Charter was signed in circumstances that had a powerful impact on its provisions. However, the current international situation is turbulent: changing circumstances make it advisable to reconsider certain provisions of the Charter in the light of global developments and the political, economic, social and cultural impact and challenges of globalization and, in particular, the threat posed at the international level by terrorism, the impact of which is sometimes comparable with that of conventional warfare.

In view of the foregoing, the Committee would like to put forward views on and justifications for the restructuring of the United Nations, as set forth below:

Pursuant to the Charter of the United Nations, article 109, paragraphs 1 and 2, the provisions of the Charter should be reconsidered with a view to granting the General Assembly greater powers to maintain international peace and security, balancing such powers with those of the Security Council in that respect and putting in place the necessary controls to ensure effective coordination and cooperation and avoid any conflict of competences. The Committee feels that suggestion is justified because the authority granted under the Charter to the Security Council, with particular respect to the right of the five permanent members to veto and bring down any resolution concerning international peace and security, is something that is incompatible with the proper structure of the United Nations as a global centre for democratic values. That proposal may meet with resistance from those five permanent members, but could be achieved if all States Members increase dialogue and mutual understanding with those five, highlighting the interests of the international community, which include those of the five permanent members themselves.

The Committee thinks that expanding the membership of the Security Council would make that body more democratic and have a positive effect on the United Nations and the contemporary international system as a whole. The right of the five permanent members to use their veto must be reconsidered, particularly in respect of resolutions concerning human rights, given that human rights issues have a universality that affects the interests of the whole international community. Their impact is not restricted to just one or two countries: if any country violates human rights and the Security Council fails to adopt a resolution thereon as the result of any circumstances or considerations that are selective and lack objectivity, that

could put at risk the interests of a number of other States. With respect to human rights, the pursuit of selective and subjective policies can prompt thoughts of hostile acts and revenge which may lead to terrorism, thereby posing a threat to the whole international community.

Second: at the level of international relations

The Committee believes that it is possible to promote international cooperation based on objectivity, impartiality and non-selectivity by the following means:

States which pursue policies that are selective and lack objectivity and impartiality with respect to human rights issues may be excluded from economic and cooperative relationships in various fields.

Various types of economic and cooperative partnership may be developed with States that deal with human rights issues impartially and objectively.

Official national human rights bodies and machinery may coordinate and cooperate in respect of the interchange of information on all human rights issues.

The financial resources necessary for United Nations human rights programmes and activities may be ensured through international cooperation.

Third: at the level of the human rights treaty bodies and other institutional mechanisms

The Committee believes the following:

The capacities of such bodies should be strengthened and the framework for effective cooperation and partnership with non-governmental organizations in respect of all human rights issues should be supported and activated, with particular regard to the interchange of information.

Effective coordination between all United Nations bodies should be improved and developed in order to strengthen and protect human rights.

All United Nations agencies and staff members should be given all necessary protection against the use of the veto by the five permanent members of the Security Council.

International investigators should be provided with further safeguards in order to ensure their neutrality, impartiality and objectivity and guarantee their security while undertaking their duties, which may impinge on the interests of peoples or States.

The necessary mechanisms should be put in place in order to hold accountable international investigators and committees that are conclusively proved to have lacked impartiality and objectivity when carrying out their duties.

Serbia

[Original: English]
[22 July 2009]

The Republic of Serbia is a party to the following human rights instruments: the International Covenant on Civil and Political Rights; the First Optional Protocol to the Covenant, and the Second Optional Protocol to the Covenant aiming at the abolition of the death penalty; the International Covenant on Economic, Social and Cultural Rights; the International Convention on Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Convention on the Elimination of All Forms of Discrimination against Women; and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

In May 2009, the Republic of Serbia ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol to that Convention.

The Republic of Serbia is also a State party to a number of other international human rights instruments, 33 Council of Europe conventions and 69 conventions adopted by the International Labour Organization.

The priorities that the Republic of Serbia has identified in the promotion and protection of human rights internationally are as follows:

- to work together with international and regional organizations on human and minority rights
- to be actively involved in international cooperation programmes on minority rights, gender, equality, child protection and the promotion of democracy and the rule of law
- to implement the commitments assumed in the Millennium Development Goals
- to support the activities of the Office of the United Nations High Commissioner for Human Rights
- to cooperate with the relevant United Nations treaty bodies both in overseeing compliance with international treaties and in reforming those bodies
- to continue its cooperation under the special procedures of the Human Rights Council, leaving an open-ended invitation to representatives of such procedures.

Syrian Arab Republic

[Original: Arabic]
[30 June 2009]

The Syrian Arab Republic, which is committed to international law and United Nations resolutions, affirms the need to ensure universality, objectivity and non-selectivity when considering human rights issues, which are one of the legitimate concerns of the international community. Those issues should not be used in order to achieve political aims. The Syrian Arab Republic requests the international community to shoulder its responsibility to prevent Israel from continuing its violations, particularly in the field of human rights. The Israeli security authorities deliberately mistreat and terrorize Syrian Arab prisoners in an attempt to undermine their national social and economic positions. Furthermore, the conditions in which those prisoners are kept are very bad and have led to incurable illnesses being contracted by many, and several deaths.

The Israeli prison authorities continue to pursue a policy of humiliating and degrading prisoners, depriving them of their most basic rights. Prison cells are regularly raided and prisoners are searched on a daily basis. Those authorities consistently refuse to allow international institutions, including the International Committee of the Red Cross, to visit Syrian Arab prisoners.

There is not a single household in the occupied Syrian Golan that does not have at least one family member in Syria who can report the severe humanitarian suffering when there is illness or death in the family and family members are unable to visit each other. The Syrian Arab Republic asserts that the people of the Golan are Syrian citizens who live in a part of the homeland that is occupied. They have the humanitarian right to communicate with their fellow citizens, and any impediment of that right must be included among the grievous violations that the Israeli occupying authorities have continued to commit since they occupied our lands in 1967.

The Syrian Arab Republic, while renewing its legitimate request for the resumption of the visits that used, until Israel halted them in 1994, to take place through the Qunaytira crossing under the aegis of the International Committee of the Red Cross, also stresses that it is important for the international community to shoulder its responsibility to bring pressure to bear on the Israeli occupying authorities to respect international law and human rights.

The Syrian Arab Republic appeals to the international community to bring pressure to bear on Israel to once again permit International Committee of the Red Cross representatives to organize the exchange of regular, steady visits through the Qunaytira crossing. As you are well aware, such visits are provided for under the fundamental rules of international humanitarian law, the Universal Declaration of Human Rights and the Geneva Conventions. In view of the fact that Israel, the occupying Power, is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, it has a duty to apply the provisions of that Convention. In articles 25, 26, 30 and 142 thereof, and in Additional Protocol I, article 74, provision is made for the authorization and facilitation of family visits to the inhabitants of occupied territories.

Israeli practices are injurious to cultural practices in the occupied Syrian Golan and aim to destroy the Arab cultural character of its people, impose Israeli educational curriculums, and distort all the facts relating to the history and geography of the occupied Syrian Golan by eradicating the Arab names of villages and places and substituting Hebrew names in a manner that contravenes all international agreements and norms.

Ukraine

[Original Russian]
[1 July 2009]

At the current stage in their development, the Ukrainian State and Ukranian society consider the protection of human rights and the implementation of obligations assumed under international law in that field to be a priority concern for the activities of the Government.

Under articles 21 and 24 of the Constitution of Ukraine all people are free and equal in their dignity and rights. Human rights and freedoms are inalienable and inviolable. These norms in the Constitution of Ukraine are reflected in the Act on amendments of the Employment Act (new version), which was adopted by the Supreme Council of Ukraine on 7 June 2007.

In accordance with that Act the State employment policy in Ukraine seeks, in particular, to ensure that citizens living in the territory of Ukraine enjoy equal opportunities for exercising their constitutional right to work. The Act provides that the Government will guarantee citizens protection from discrimination in employment based on race, colour, political, religious or other convictions, membership in a professional or other association, sex, ethnic or social origin, property, place of residence, language or some other feature. All vacant positions are open to men and women on an equal basis. No one may be deprived of the right to make use of his or her capacity to work and professional skills and qualifications. Every one has the right to protection from any form of discrimination in exercising the right to work.

The introduction of gender equality into Ukrainian society is provided for under the State Programme for the Establishment of Gender Equality in Ukrainian Society for the period up to 2010. Gender issues are also dealt with in the annual programmes for the economic and social development of Ukraine.

The Ministry of Family, Youth and Sport, as the specially empowered organ of the executive branch for the prevention of domestic violence, the implementation of the State's gender policy and the fight against trafficking in human beings, includes in its ambit action to protect all human rights and fundamental freedoms.

Ensuring the equality of the rights of men and women is an important duty of the State in terms of its compliance with its obligations to the international community and its fulfilment of the requirements of international agreements. National legislation as a whole is based on the provisions of the fundamental international legal instruments. Significant progress has been achieved in aligning our legislation with international norms and standards in terms of strengthening the means for legal protection at the national level, reforming the judiciary and raising the level of legal culture. Great attention is paid to the real protection of the

constitutional rights and freedoms of citizens through monitoring of respect for the rights and freedoms of the person and the citizen in terms of compliance with the relevant laws by bodies of the executive branch and local self-government and their officials and personnel.

The achievement of gender parity in all areas of life in society is the goal of the Act on "ensuring equal rights and opportunities for women and men", which establishes machinery for ensuring equal rights and opportunities for women and men in Ukraine, delimits the powers of the specially empowered central executive body responsible for ensuring equal rights and opportunities for women and men, and specifies legislatively established gender terminology.

In accordance with decision No. 504 of 12 April 2006 on the conduct of expert legal and gender analysis, the Ministry of Justice of Ukraine recently carried out an expert legal study of gender aspects of the laws on:

Vacation and leave;

State assistance to families with children;

Employment;

Elections of people's deputies of Ukraine;

Status of people's deputies;

Service in local self-government bodies;

Social and legal protection of military servicemen and members of their families;

The military service obligation and military service;

The status of towns in mountainous regions of Ukraine;

Preventing the spread of AIDS and social protection of the population;

The legal basis for civil defence.

The study also included the Customs Code of Ukraine and the Decision of the Supreme Council of Ukraine of 13 October 1995 adopting the Regulations governing assistants-consultants for people's deputies of Ukraine.

In 2008 the Supreme Soviet of Ukraine adopted the Act introducing amendments to various legislative acts relating to the Act on ensuring equal rights and possibilities for women and men. The Act introduced amendments to the following Ukrainian laws:

The Codex of labour laws — the formulation in a collective agreement of provisions ensuring equal rights and opportunities for women and men (art. 13);

The Act of Ukraine on associations of citizens — regarding the establishment of additional rights of citizens' associations with regard to ensuring equal rights and opportunities for women and men (art. 20);

The Act of Ukraine on collective agreements and pacts regarding the formulation in collective agreements and pacts of provisions ensuring the rights and opportunities of women and men (arts. 7 and 8);

The Act on the Commissioner of the Supreme Council of Ukraine for Human Rights regarding the monitoring by the Commissioner of respect for the equal rights and opportunities of women and men (art. 13);

The implementation of the State Programme for the Establishment of Gender Equality in Ukrainian Society in the period up to 2010 includes the following ongoing activities:

Decision No. 1087 of the Cabinet of Ministers of Ukraine of 5 September 2007 on advisory bodies dealing with the family, gender equality, demographic development and combating trafficking in human beings established the Inter-Ministerial Council on the Family, Gender Equality, Demographic Development and Combating Trafficking in Human Beings;

In 20 regions of Ukraine, district coordination bodies have been established to deal with the family, gender equality, demographic development and the fight against trafficking in human beings;

Working groups on the introduction of gender approaches into the workplace have been established in 38 central bodies of the executive branch;

Advisers on gender issues to the heads of district administrations have been appointed in 15 districts.

In order to establish an effective State system to combat trafficking in human beings by establishing a legal basis for official policy and international cooperation in this area and by determining the powers of and forms of coordination between bodies responsible for combating human trafficking, the Ministry of Family, Youth and Sport of Ukraine has begun drafting a bill on combating trafficking in human beings.

The Cabinet of Ministers of Ukraine adopted decision No. 1013 of 9 November 2008 setting out the criteria for assessing the level of risk arising from economic activity related to the recruitment of workers for jobs abroad and determining the periodicity of planned State control measures. This legal text sets out clear criteria for assessing the threat of fraudulent activities by unscrupulous professionals and unlawful activities by foreign employers.

In 2008, as part of a project by the office of the Organization for Security and Cooperation in Europe (OSCE) Project Coordinator in Ukraine, a group of experts carried out research to assess the need for a national referral mechanism for victims of human trafficking in Ukraine.

Based on the results of that research, which was approved at a meeting of the Inter-Ministerial Council on the Family, Gender Equity, Demographic Development and Combating Trafficking in Human Beings, in 2009 a project was launched on a pilot basis in the Donetsk and Chernovetsk districts to develop a national referral mechanism for victims of human trafficking in Ukraine.

Implementation of the State programme to combat trafficking in human beings is being monitored in 14 districts in Ukraine.

As part of the Worldwide Campaign to End Violence against Women, the Ministry of Family, Youth and Sport of Ukraine launched a national "Stop Violence!" campaign in 2008 to combat violence against women and children and domestic violence. The aims of the campaign are:

- to improve the body of legislation for the prevention of domestic violence;
- to raise public awareness that violence against women and children is a human rights violation;
- to create an attitude of intolerance toward violence in all sections of the population.

In implementation of item 15 of the plan of measures to prepare for the 60th anniversary of the Universal Declaration of Human Rights and Human Rights Day, and as part of the national "Stop Violence!" campaign, on 16-17 October 2008 the Ministry of Family, Youth and Sport of Ukraine held a national forum entitled "Stop Violence!" at which a platform of action for the prevention of violence was adopted. The Ministry, together with central executive authorities and public organizations, has now developed a national plan of measures to implement the platform of action.

The activities of Ukraine's Ministry of Labour and Social Policy are directed towards strengthening legal and social protections for Ukrainian citizens working abroad and for foreign nationals working in Ukraine.

To that end, Ukraine has acceded to agreements on human rights protection, such as the European Convention on the Legal Status of Migrant Workers, the Agreement on Cooperation in the Field of Labour Migration and Social Protection for Migrant Workers and its Protocol regulating frontier migration within the Commonwealth of Independent States (CIS).

Ukraine has also signed 13 bilateral treaties in the field of employment and social protection, 7 bilateral treaties in the field of social assistance and 21 international treaties on pensions.

In late 2008, at a summit of the Heads of Government of CIS member countries, Ukraine signed the Convention of CIS member States on the Legal Status of Migrant Workers and Members of their Families. This Convention sets out the basic rights of migrant workers from CIS member States.

Since 2006, Ukraine has been a party to the European Social Charter (revised), which guarantees fundamental human rights.

The employment of foreign nationals in Ukraine is covered by article 26 of the Constitution of Ukraine and by the Labour Act, and is governed by Decision No. 322 of 8 April 2009 of the Cabinet of Ministers of Ukraine establishing the procedure for issuing, extending and cancelling authorizations to employ foreign nationals and stateless persons.

Under article 26 of the Constitution of Ukraine, foreigners and stateless persons who are in Ukraine legally enjoy the same rights and freedoms, and also bear the same obligations, as Ukrainian citizens.

The procedure for issuing, extending and cancelling authorizations to employ foreigners and stateless persons is based on the principles of impartiality and objectivity in the process of employing foreign nationals in Ukraine.

Under article 24 of the Constitution of Ukraine, all Ukrainian citizens have equal constitutional rights and freedoms and are equal before the law.

In Ukraine, women and men with disabilities have equal rights of access to employment.

All persons with disabilities have equal rights upon being hired and while undergoing rehabilitation according to their abilities, preferences and state of health.

Under article 17 of the Act on the basic principles of social protection for persons with disabilities in Ukraine, in order to allow persons with disabilities to realize their creative and productive potential, and taking into account their individual rehabilitation programmes, such persons have the right to work in businesses, institutions and organizations or to work as entrepreneurs or in any other labour activity that is not prohibited by law.

Article 18 of that Act guarantees the rights of the disabled to employment and paid work, including work at home, by enabling them to deal directly with companies, institutions and organizations or with the State employment service.

The process of preparing and reviewing draft regulations and laws on the social protection of the disabled has involved the participation of various social partners, namely, the Federation of Employers of Ukraine, the Federation of Professional Associations of Ukraine, the All-Ukrainian Association of Employers and the Union of Owners of Small- and Medium-Sized and Privatized Enterprises of Ukraine. Representatives of various large all-Ukrainian public organizations of disabled persons have also participated in the process.

Thus the views of social partners and public organizations of the disabled are being taken into account during the process of adopting the legislation.

It should be added that there exists within the Ukrainian Government a Council on the Disabled, which includes representatives of public organizations of the disabled and studies current problems relating to the social protection of persons with disabilities.

Furthermore, the activities of the Ministry are aimed at restoring the human rights of members of such groups as the homeless and persons released from detention.

Starting in 2005 the Ministry, together with regional labour and social protection bodies, has been working to develop a system to reintegrate the homeless and rehabilitate into society persons released from detention.

A number of regulations and laws have been drawn up and adopted to regulate the activities of social protection institutions for the homeless and institutions for persons released from detention. Various models for social work with these groups have been developed and the basic strategic guidelines have been worked out for reintegrating the homeless and for carrying out the social adaptation of ex-detainees.

A draft plan for the social protection of the homeless has been approved. The plan calls for scientific study of homelessness, the implementation of preventive measures, the development of a reintegration system and a registration system, the development of housing for social purposes (social housing), the training of social work specialists and a number of other approaches to solving the problem (Decision No. 639-r of the Cabinet of Ministers of Ukraine dated 17 April 2008).

Decision No. 1402-r of the Cabinet of Ministers of Ukraine dated 5 November 2008 approved a long-term plan of action up to 2012 for the implementation of the Guidelines for social protection of the homeless, which covers all sectors concerned with the problem of homelessness and calls for efforts to strengthen the legislative framework so as to bring it into line with European standards, to strengthen the activities of institutions and expand their functions, to improve the form and methods of social work with various target groups, and to ensure guaranteed financing for this area of activity.

Pursuant to Resolution No. 1035 of the Cabinet of Ministers of Ukraine, dated 26 November 2008, the Coordination Council on the Social Protection of Homeless Persons and Street Children was established with the tasks of consolidating the efforts of Government bodies, local self-government bodies and social organizations and of coordinating their activities to solve the problems of homeless adults and children.

Furthermore, an action plan for the period up to 2009 is being implemented with the aim of ensuring the social adaptation of persons who have served out their sentences. The plan was approved by Decision No. 1030-r of the Cabinet of Ministers of Ukraine, dated 21 November 2007, and calls for improvements in the network of institutions for ex-detainees and the training of staff and for strengthening the legislative framework and improving the system for preparing prisoners for release and so forth.

With a view to setting the strategic tasks that will lead to improvements in the system for the social adaptation of released detainees, the Cabinet of Ministers of Ukraine approved, in its Decision No. 1385-r dated 30 October 2008, the Guidelines for the social adaptation of persons who have completed their sentences, which set out the main strategic tasks for the process of improving the social adaptation system.

So far, a draft order by the Cabinet of Ministers of Ukraine on the adoption of the Plan of Action for the period up to 2015 to implement the Guidelines for the social adaptation of persons who have completed their sentences has been drawn up.

A draft Act is also being prepared on amendments to the Act of Ukraine on the Plan for the social adaptation of persons who have completed their prison sentences.

Work on establishing a network of institutions for these categories of people is continuing.

There are now 104 institutions for the homeless and ex-detainees operating in Ukraine, including 48 non-governmental organizations, that provide social services for such people. In 2008 about 15,000 people made use of the services provided by these institutions, including more than 6,000 people in registration centres.

Observation commissions play a role as one of the tools for the social adaptation of persons released from detention. There were 679 such commissions at the beginning of this year. Last year 9,185 people in that category applied to the commissions for assistance.

The Ministry is continuing its work on developing the social protection system for homeless persons and ex-detainees.